

#1 Declaration
1/4/99
J. Streets

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Alan J. Cisar and Oliver J. Murphy

SERIAL NO. 08/787,271

FILED: January 24, 1997

FOR: Bipolar Plates For Electrochemical
Cell Stacks§
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EXAMINER: MAPLES

GROUP ART UNIT: 1745

Assistant Commissioner of Patents
Washington, D.C. 20231CERTIFICATE OF FACSIMILE TRANSMISSION
37 C.F.R. 1.8I hereby certify that this correspondence is being transmitted by
facsimile on December 28, 1998.

12-28-98

Date

Jeffrey L. Streets
Signature

Sir:

DECLARATION OF OLIVER MURPHY UNDER 37 C.F.R. § 1.131

I, Oliver Murphy, declare as follows:

1. That I am an inventor of the subject matter claimed in the present application and am familiar with the disclosure and pending claims;
2. That the disclosure and claims of the present application describe and define an invention that was conceived and reduced to practice prior to December 6, 1996;
3. That conception and reduction to practice prior to December 6, 1996 is evidenced by Exhibit A which is a written description of an actual embodiment of the present invention dated prior to December 1996, all masked dates in Exhibit A being prior to December 1996;

4. That Exhibit A shows or describes the various features included in each of the pending claims of this application;

5. That U.S. Patent 5,800,946, issued September 1, 1998, based on an application filed December 6, 1996;

7. That the '946 patent was not published more than one year prior to the filing of the patent application on January 24, 1997;

8. That the present application was filed to claim novel features of the invention that existed prior to December 6, 1996; and

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date December 21, 1998

Oliver J. Murphy
OLIVER J. MURPHY